

Applicant: Stinson, J.

Application No: 10/721,702

Response to Office Action dated September 18, 2006

Amendment and Response dated November 21, 2006

Attorney Docket No.: 792-64 DIV II

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Amendments to the Drawings:

[None being submitted].

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REMARKS/ARGUMENTS

The specification has been amended to update the status of the priority application and to add section descriptions. Entry of these amendments is respectfully requested. No new matter is introduced with these amendments.

Claims 30, 44-59 and 76-74 are pending. Claims 45-49 are withdrawn. Claims 1-29, 31-43 and 60-75 have been canceled.

Claim 30 has been amended to describe the bioabsorbable endoprosthesis as, *inter alia*, consisting essentially of a plurality of elongate elements. Support for this amendment may be found in originally filed claim 52. Claims 51, 52, 58 and 59 have been amended for antecedent basis consistent with the amendments to claim 30. No new matter is introduced with these amendments.

Claims 76-84 have been added.

Support for newly added claim 76 may be found in the specification at page 9, lines 22-23 of the first paragraph. No new matter is introduced with this claim presentation.

Support for newly added claims 77 and 78 may be found in the specification at page 8, lines 3-4 of the paragraph beginning with "In sum, the invention relates...". No new matter is introduced with these claim presentations.

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Support for newly added claims 79 may be found in the specification at page 8, lines 3-5 of the paragraph beginning with "In sum, the invention relates...". No new matter is introduced with this claim presentation.

Support for newly added claim 80 may be found in the specification at page 9, lines 20-22 of the first paragraph. No new matter is introduced with this claim presentation.

Support for newly added claim 81 may be found in the specification at page 9, lines 20-23 of the first paragraph. No new matter is introduced with this claim presentation.

Support for newly added claim 82 may be found originally filed claims 30 and 52 and in the specification at page 9, lines 20-23 of the first paragraph. No new matter is introduced with this claim presentation.

Support for newly added claim 83 may be found in the specification at page 8, lines 3-4 of the paragraph beginning with "In sum, the invention relates...". No new matter is introduced with this claim presentation.

Support for newly added claim 84 may be found in originally filed claim 44. No new matter is introduced with this claim presentation.

No new matter is introduced with these amendments. Entry of these claim amendments is respectfully requested.

Section 102/103 Rejections

The claims are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by, or in the alternative, under 35 U.S.C. § 103(a) as allegedly being obvious over U.S. Patent No. 5,500,013 to Buscemi et al. (hereinafter "Buscemi"). Applicant respectfully transposes.

Buscemi describes a biodegradable stent 10. (Buscemi, column 4, lines 8-9). The stent 10 includes a main body 11 and a plurality of fibers 18 disposed around the main body 11. (Buscemi, column 4, lines 16-18) (emphasis added). The fibers 18 are described as being annularly wound, braided or woven around the main body of the stent 10. (Buscemi, column 4, lines 32-44). The fibers 18 may be hollow fibers having an outer diameter not exceeding 0.2 mm and having a wall thickness of 25 to 100 microns. (Buscemi, column 4, lines 7-48, column 4, lines 60-64).

Buscemi, however, fails to disclose, teach or suggest a bioabsorbable endoprosthesis as set forth in amended claim 30, which consists essentially of a plurality of elongate elements having an outer surface, the elements including a bioabsorbable polymer adapted to undergo degradation *in vivo*, the elements including an elongate, axially extending reservoir portion adapted to collect a by-product of the degradation of the bioabsorbable polymer; wherein the elements occupies a total element volume including a reservoir volume occupied by the at least one reservoir portion, and the reservoir volume is at least about ten percent of the total element volume. In other words, Buscemi fails to disclose, teach or suggest that its stent 10 may consist essentially of annularly wound, braided or woven fibers. The main body 11 of the stent 10 of Buscemi is an essential feature of Buscemi's stent 10, and the main body may not be removed from the stent 10 without destroying the intent, function and purpose of Buscemi's stent 10.

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Thus, Buscemi fails to disclose, teach or suggest the bioabsorbable endoprosthesis as set forth in amended claim 30. Reconsideration and withdrawal of the rejection of claim 30, and all claims dependent therefrom, are respectfully requested.

Moreover, Buscemi, however, fails to disclose, teach or suggest a bioabsorbable endoprosthesis as set forth in claim 82, which comprises a plurality of elongate elements interbraided into a tubular, radially expandable structure, each of the elongate elements having an outer surface, the elements including a bioabsorbable polymer adapted to undergo degradation *in vivo*, the elements including an elongate, axially extending reservoir portion adapted to collect a by-product of the degradation of the bioabsorbable polymer; wherein the each of the elements occupies a total element volume including a reservoir volume occupied by the at least one reservoir portion, and the reservoir volume is at least about ten percent of the total element volume; the number of elements, N , is equal to about $(D/(0.022D + 0.17)) \pm 4$ filaments, where D , in mm, is the free state diameter of the tubular structure; and the elongate elements have a thickness, t in mm, of about $(D/(1.8D + 15)) \pm 0.03$ mm, where D , in mm, is the free state diameter of the tubular structure. Buscemi is silent as to the relationship of number of filaments and their thickness for a bioabsorbable endoprosthesis.

Thus, Buscemi fails to disclose, teach or suggest the bioabsorbable endoprosthesis as set forth in amended claim 82. Reconsideration and withdrawal of the rejection of claim 82, and all claims dependent therefrom, are respectfully requested.

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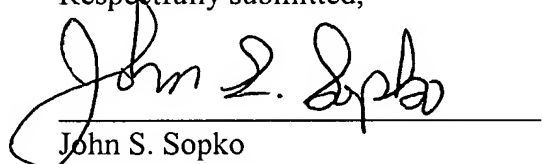
SUMMARY

Therefore, Applicants respectfully submit that independent claims 30 and 82, and all claims dependent therefrom, are patentably distinct. This application is believed to be in condition for allowance. Favorable action thereon is therefore respectfully solicited.

Should the Examiner have any questions or comments concerning the above, the Examiner is respectfully invited to contact the undersigned attorney at the telephone number given below.

No claim fees or fees for extensions of time are believed to be due with this submission. If any fees, however, are due, the Commissioner is hereby authorized to charge payment of any additional fees associated with this communication, or credit any overpayment, to Deposit Account No. 08-2461. Such authorization includes authorization to charge fees for extensions of time, if any, under 37 C.F.R. § 1.17 and also should be treated as a constructive petition for an extension of time in this reply or any future reply pursuant to 37 C.F.R. § 1.136.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "John S. Sopko", is written over a horizontal line.

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